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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 5495

13 **COURTNEY MARY-ARLETTE VARGAS**

A C C U S A T I O N

14 20042 Sonoma Road
15 Apple Valley, CA 92308

16 Pharmacy Technician Registration
17 No. TCH 71107

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

22 2. On or about August 9, 2006, the Board issued Pharmacy Technician Registration No.
23 TCH 71107 to Courtney Mary-Arlette Vargas (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and will
25 expire on January 31, 2016, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following laws.
28 All section references are to the Business and Professions Code unless otherwise indicated.

1 dangerous drugs, to determine if the conviction is of an offense substantially related to the
2 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
3 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
4 of this provision. The board may take action when the time for appeal has elapsed, or the
5 judgment of conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
7 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
9 indictment."

10 7. California Code of Regulations, title 16, section 1770, states:

11 "For the purpose of denial, suspension, or revocation of a personal or facility license
12 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
13 crime or act shall be considered substantially related to the qualifications, functions or duties of a
14 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
15 licensee or registrant to perform the functions authorized by his license or registration in a manner
16 consistent with the public health, safety, or welfare."

17 **COST RECOVERY**

18 8. Section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 9. Respondent is subject to disciplinary action under section 4300, and 4301, subdivision
4 (1), in conjunction with, California Code of Regulations, title 16, section 1770, in that Respondent
5 was convicted of a crime substantially related to the qualifications, functions, and duties of a
6 pharmacy technician, as follows:

7 a. On or about April 2, 2015, after pleading nolo contendere, Respondent was convicted
8 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under
9 the influence of alcohol] in the criminal proceeding entitled *The People of the State of California*
10 *v. Courtney Mary Arlette Vargas* (Super. Ct. San Bernardino County, 2015, No. TVI1401134).
11 The Court sentenced Respondent to serve 10 days in San Bernardino County jail, ordered her to
12 complete a 3-month first offender alcohol program, and placed her on 36 months probation, with
13 terms and conditions.

14 b. The circumstances surrounding the conviction are that on or about March 17, 2014, a
15 San Bernardino County Sheriff's deputy responded to a call of a possible drunk driver driving
16 between 60 and 80 miles per hour in a residential area. The deputy attempted to stop the vehicle,
17 but Respondent accelerated and fled, then crashed into a concrete landscape pillar at the front of a
18 residence, trapping her inside the vehicle. As the deputy approached Respondent, he could smell a
19 strong odor of an alcoholic beverage coming from inside the vehicle. Respondent's speech was
20 slurred, confused, and incoherent. Respondent admitted to drinking an unknown amount of
21 "fireball shots." Respondent was transported to St. Mary's Hospital for her injuries. While at the
22 hospital Respondent submitted to a blood test that resulted in a blood alcohol content level of
23 0.33%.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Dangerous Use of Alcohol)**

26 10. Respondent is subject to disciplinary action under sections 4301, subdivision (h), on
27 the grounds of unprofessional conduct, in that, on or about March 17, 2014, Respondent used
28 alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any person, or

1 the public when she operated a vehicle while having 0.33% of alcohol in her blood. Complainant
2 refers to, and by this reference incorporates, the allegations set forth above in paragraph 9,
3 subparagraph (b), as though fully set forth herein.

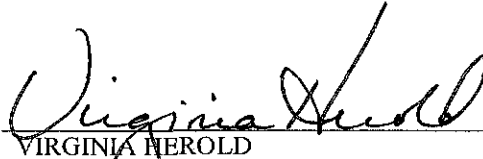
4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board issue a decision:

- 7 1. Revoking or suspending Pharmacy Technician Registration No. TCH 71107, issued to
8 Courtney Mary-Arlette Vargas;
- 9 2. Ordering Courtney Mary-Arlette Vargas to pay the Board the reasonable costs of the
10 investigation and enforcement of this case, pursuant to section 125.3; and
- 11 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: _____

9/4/15



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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